

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOGGERHEAD TOOLS, LLC,)	
)	
Plaintiff,)	Case No. 1:12-cv-09033
)	
)	Honorable Rebecca R. Pallmeyer
)	
SEARS HOLDINGS CORPORATION)	JURY TRIAL DEMANDED
and APEX TOOL GROUP, LLC,)	
)	
Defendants.)	

**MOTION FOR ENTRY OF JUDGMENT, AWARD OF PREJUDGMENT AND POST-
JUDGMENT INTEREST AND COSTS, AND IDENTIFICATION OF THE
APPLICABLE SCHEDULE FOR LOGGERHEAD’S MOTION FOR ATTORNEY’S
FEES AND NONTAXABLE EXPENSES**

NOW COMES Plaintiff LoggerHead Tools, LLC (“LoggerHead”), by and through its attorneys, and requests this Court to enter judgment on the jury’s verdict that Defendants Sears Holdings Corporation and Apex Tool Group, LLC infringed Claims 1, 9, and 16 of U.S. Patent No. 6,889,579 and infringed Claims 1 and 9 of U.S. Patent No. 7,992,470, that Defendants did not prove any of these Claims are invalid as anticipated, that Defendants did not prove Claims 1 and 9 of the ‘470 patent are invalid as obvious, and that LoggerHead is entitled to receive \$5,979,616 from Defendants for infringement, that both Sears’ and Apex’s infringement was willful, and for any enhanced damages the Court may award against both Sears and Apex. LoggerHead further requests that the Court award LoggerHead prejudgment interest and costs, and post-judgment interest. LoggerHead requests that the Court award prejudgment interest at a rate of 8%, or alternatively at a rate of the prime rate plus 2%, in either case compounded quarterly. LoggerHead’s proposed form of judgment is attached as Exhibit A to this Motion.

In addition, LoggerHead requests that the Court determine whether LoggerHead should file its motion pursuant to 35 U.S.C. § 285 seeking an award of attorney's fees and related nontaxable expenses in accordance with Local Rule 54.3 of the Northern District of Illinois, or whether the Court will enter an order for a different briefing schedule for this motion.

The parties also ask that the Court set June 27, 2017 as the hearing date for this motion.

Dated: June 22, 2017

Respectfully submitted,

/s/ Paul J. Skiermont

Paul J. Skiermont

N.D. Ill. Bar No. 6278464

Sarah Spires

Admitted *pro hac vice*

Sadaf Abdullah

Admitted *pro hac vice*

Steven Hartsell

N.D. Ill. Bar No. 24040199

Steve Udick

Admitted *pro hac vice*

Skiermont Derby LLP

2200 Ross Avenue, Suite 4800W

Dallas, Texas 75201

(214) 978-6600 (Telephone)

(214) 978-6601 (Facsimile)

pskiermont@skiermontderby.com

sspires@skiermontderby.com

sabdullah@skiermontderby.com

shartsell@skiermontderby.com

sudick@skiermontderby.com

Jason L. Peltz

Asha L.I. Spencer

Jean Tinkham

Bartlit Beck Herman

Palenchar & Scott, LLP

Courthouse Place

54 West Hubbard Street, Suite 300

Chicago, Illinois 60654

(312) 494-4400 (Telephone)

(312) 494-4440 (Facsimile)

jason.peltz@bartlit-beck.com

asha.spencer@bartlit-beck.com

jean.tinkham@bartlit-beck.com

Counsel for Plaintiff

LoggerHead Tools, LLC

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on June 22, 2017, the foregoing document was filed electronically through the Court's Electronic Case Filing System. Service of this document is being made upon all counsel of record in this case by the Notice of Electronic Filing issued through the Court's Electronic Case Filing System on this date.

/s/ Paul J. Skiermont
Paul J. Skiermont